

Personal Service Contract Review Board

Mississippi State Personnel Board

Robert G. Clark Building

301 N Lamar Street

Jackson, MS 39201

Presented by Faye James – Director, PSCRB

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PSCRB History & Purpose

- **Established by 1997 Mississippi Legislature**
 - Mississippi Code Annotated § 25-9-120
- **PSCRB Legislative Mandate Includes:**
 - Promulgating rules and regulations governing solicitation and selection of contractual services
 - Approving all personal and professional contracts for over \$100,000
 - Developing standards with respect to contractual services
- **Our Goal**
 - To ensure competition and fairness in the procurement of personal services and to protect the best interest of the State of Mississippi

PSCRB Purview

- **Generally applies only to the procurement of personal and professional services for more than \$100,000**
 - **Stuff vs. Services; DFA vs. PSCRB**
- **Regardless of funding source**
 - **Federal, General, Other, and ARRA (Stimulus)**
- **By agencies which come under the purview of the Mississippi State Personnel Board**
- **Includes contract workers**
 - **October, 2009 Attorney General Opinion**

Contracts Exempt from PSCRB Approval

- **MDOT personal service contracts**
 - MDOT has its own board
- **Computer or information technology related services governed by ITS**
 - ITS has its own board
- **Repairs of commodities**
 - Governed by Mississippi Code Annotated § 31-7-13
- **Contracts between agencies under the purview of the MSPB**

Contracts Exempt from PSCRB Approval (continued)

Contracts for the following expert services:

Accountant

Actuary

Architect

Attorney

Auditor

Dentist

Engineer

Physician (includes psychiatrist but not psychologist)

Veterinarian

Meet the PSCRB Board Members

- **Lynn Fitch, Chair**
- **Members**
 - **Gina Davis (designee)**
 - Department of Finance & Administration
 - **Rick McCarty (designee)**
 - Department of Corrections
 - **Michael Bolden (designee)**
 - Department of Wildlife, Fisheries & Parks
 - **Keith Harkins (designee)**
 - Department of Environmental Quality



Personal Service Contract Review Board Meetings

- **The PSCRB meets the second Thursday of each month at 9:00 AM.**
 - The Chair will call additional meetings as necessary
 - Meeting dates/times are posted on the MSPB website
- **Location for meetings: 301 N. Lamar, Jackson**
 - First Floor, Robert C. Clark Building
- **Board agenda is prepared by the PSCRB.**
- **Contracts are presented to the Board by an agency representative.**

Meet the PSCRB Staff

- **Contract Consultants:**

Sandra Edwards

601-359-2724

Terri Ashley

601-359-6580

Matt Nassar

601-359-2782

Paul Welch

601-359-2555

- **Administrative Assistant:**

Luetitia Moore

601-359-6517

- **Director:**

Faye James

601-359-2709

- **Attorney:**

Gretchen Kimble

601-359-2708

Special Assistant Attorney General

Fiscal Year Activity

- **Fiscal Year 2009**
 - 424 actions
 - \$349,930,453.00
 - General Funds: \$94,127,810.61
 - Federal Funds: \$174,955,619.14
 - Other Funds: \$80,847,023.25
 - Total: \$349,930,453.00
- **Fiscal Year 2008**
 - 319 actions
 - \$256,773,745.98
- **Fiscal Year 2007**
 - 231 actions
 - \$441,524,673.28
- **Fiscal Year 2006**
 - 233 actions
 - \$418,086,475.78



Levels of Purchases for Personal Service Contracts

■ **\$50,000 or less**

- **PSCRB Reg. 3-204.05**
- **Agency Head shall adopt operational procedures for these purchases, using adequate and reasonable competition.**

■ **\$50,000-\$100,000**

- **PSCRB Reg. 3-204.03**
- **In so far as practical, agency needs no less than three written responses on file.**
- **Award goes to lowest and best response.**

■ **\$100,000 or more**

- **Procurement necessary**
- **Must be submitted for PSCRB approval or acknowledgement.**

Buzz Words



■ Agenda wording:

■ New

- First time contract presented to the PSCRB for approval.

■ Renewal

- The agency has submitted an amendment to the contract to renew.
- Transaction has been entered into SPAHRS.
- May involve “new” spending authority or the transfer of previously approved authority.

■ Modification

- The agency has submitted an amendment to make a change to the contract.
- Example – additional spending authority, change in scope.
- If a contract “has” to be renewed and there are no renewal terms, the contract is modified.

■ Termination

- The agency has elected to terminate a contract.

Methods of Procurement for Personal Service Contracts

- **Emergency**
- **Sole-Source**
- **Invitation for Bids (IFB)**
- **Request for Proposals (RFP)**

Emergency Procurements

■ PSCRB Regulations--Section 3-206



“The Head of a Purchasing Agency, or a designee, may make or authorize others to make emergency procurements...provided that such emergency procurements shall be made with such competition as is practicable”.

Sole Source Procurements

■ PSCRB Regulations--Section 3-205

- Sole-source procurement may only be used when Agency Head (or designee) determines in writing that there is only one source for the required service and gives the basis for this determination.**
- The Agency shall conduct negotiations as to price, delivery and terms with the sole-source vendor.**
- Contract must be presented to and approved by the PSCRB before execution.**

Invitation for Bids

- **PSCRB Regulations—Section 3-202**
- **Agency and vendor do not negotiate.**
- **Award is made to the lowest responsible bidder.**
- **Contract must be submitted to and approved by the PSCRB prior to execution.**



Request for Proposals

- **PSCRB Regulations—Section 3-203**
- **Agency and vendor may negotiate.**
- **Award is made to the most advantageous proposal.**
- **Contract must be submitted to and approved by the PSCRB prior to execution.**

CONTRACTS



Required Clauses

- Applicable Law
- Representation Regarding Contingent Fees
- Representation Regarding Gratuities
- Procurement Regulations
- **Availability of Funds**
- Compliance with Laws
- Stop Work Order
- E-verify
- E-payment



Common Optional Clauses

- **Renewal Terms**
- **Insurance**
- **Travel Expenses**



SUBMISSION INFORMATION



PSCRB Submission Deadlines

- **Contract packet is due to be electronically submitted 10 business days prior to the PSCRB meeting**
- **Requesting an exception to submission deadline requirement--**
 - **Should only be in an unavoidable situation**
 - **Should not become a common practice**
 - **May not be granted**
 - **Must be made in writing to the PSCRB Chair**

Complete Contract Packet

- Notice of Publication
- Copy of IFB or RFP
- Selected Vendor's response
- Documentation required by procurement/contract
- Evaluation material, including all vendors' pricing information
- Contract (UNSIGNED)
- Protest memo
- Other pertinent information



Contract Review Diagram

Review of Procurement



FREQUENTLY ASKED QUESTIONS



FAQ's

- **Why do some contract workers who make less than \$100,000 route to the PSCRB?**



FAQ's

- If the **CUMULATIVE** value of the contract exceeds \$100,000, SPAHRS routes it to the PSCRB.

FAQ's

- **Are there special procedures for contract workers who are paid more than \$100,000 in one fiscal year?**
- **These contracts are submitted like all other contracts, and then presented to the board for approval.**

FAQ's

- **How long after notifying vendors that a contractor has been selected can an agency declare that no protests have been filed?**
- **Vendors should be given a reasonable time to protest before a contract is submitted to the PSCRB.**

FAQ's

- **Why is the agency required to submit renewals to the PSCRB when the agency has already obtained approval for a contract?**
- **The original term with options to renew is approved initially by the PSCRB, but renewals are not approved until an option to renew is exercised. If the option is not exercised, the contract will expire.**

FAQ's

- **Why are renewals required to be included in both the RFP/IFB and the contract?**
- **A prospective vendor may base its decision on whether to bid based on the length of the contract.**

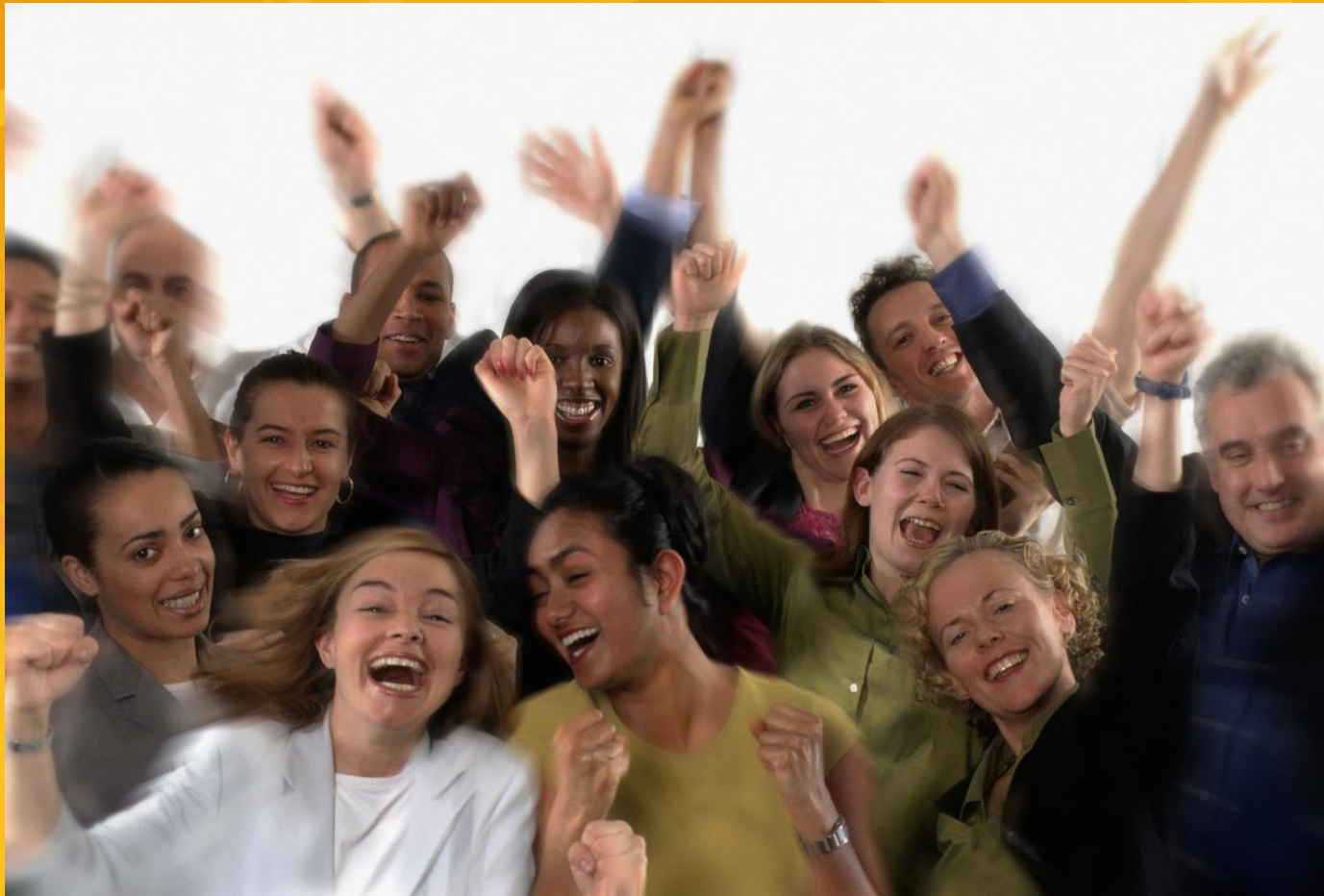
FAQ's

- **Why are contracts that are 100% federally funded under the purview of the PSCRB?**



- **The PSCRB's enabling statute states, "regardless of funding source."**

What's New at the PSCRB



New Processes

- **Effective June 1, 2009 – paper-free online contract submission**
- **Expanded Consultant Staff to better serve Agency needs**
- **New PSCRB Advisory Committee to Assist with Rules Revisions**
- **Proposed Revisions to PSCRB Rules and Regulations**

New Processes (continued)

- **We Make House Calls—**
 - **Spring Training Tour**
 - **Consultants available to meet with procurement officer/staff any time there is a problem or the agency needs help with a procurement**

Conclusion



- **Send all questions/suggestions:**
 - **Attn: Faye James, Director, PSCRB**
 - **Mississippi State Personnel Board**
 - **301 N Lamar Street, Suite 203**
 - **Jackson, MS 39201**
 - **E-mail: faye.james@mspb.ms.gov**